IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

DBA.No. 33 of 2007()

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD-REGARDING LEASE ARRANGEMENT OF THE SHOP ROOM BELONGING TO MAJOR PADANAYARKULANGARA DEVASWOM SHOPPING COMPLEX, KARUNAGAPALLY)

PETITIONER.

BHASURA, AGED 71 YEARS, W/O.RAGHAVAN,
KRISHNA NIVAS, PADA-VADAKKU KARUNAGAPALLY,
KOLLAM DISTRICT.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS:
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1. TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.

2. ASST. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, KARUNAGAPALLY.

3. THE ADMINISTRATIVE OFFICER,
MAJOR PADANAYAR KULANGARA DEVASWOM,
KARUNAGAPALLY.

4. DEPUTY EXAMINER OF LOCAL FUND ACCOUNTS,
THIRUVANANTHAPURAM.

BY SRI.K.N.VENUGOPALA PANICKER, SC, TDB
SRI.D.SREEKUMAR, SC, TDB
GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS DEVASWOM BOARD APPLICATION HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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D.B.A NO. 33 OF 2007

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Dated this the 30th day of May, 2007

O R D E R

Radhakrishnan, J.

Application was filed seeking permission to continue the lease arrangement of the shop room and also for a direction to the respondents not to enhance the rent. According to her 10% enhancement per year is on the higher side. We cannot under Article 226 of the Constitution decide the reasonable rent for the shop, which is purely contractual matter. Petitioner, if so advised may move appropriate forum for fixation of fair rent, if it is legally possible.

Learned counsel referred to Annexure A4 order of this court, which was issued in a similar case. We are unable to follow the decision in Annexure A4 order and it cannot be treated as a precedent. Writ petition is therefore dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp